IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 14357 of 2007(H)

PETITIONERS:
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1. P.RAMESAN, S/O.KARIKAN,
   KULAMPURATHOTTATHIL, NATHIRIMANGALAM,
   OTTAPPALAM (LICENSEE OF T.S.NO.60-PERUMANNOOR).

2. N.SATHYAN, S/O.KRISHNAN NAIR,
   NAMBANATTU VEEDU, KAPPUR DESOM, KAPPUR VILLAGE,
   OTTAPALAM TALUK, (LICENSEE OF T.S.NO.46-
   PALLIPADAM).

BY ADV. SRI.M.C.JOHN

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
   PATTAMBI.

2. THE SUB INSPECTOR OF POLICE,
   CHALISSERY.

3. BHAVANI, KARUVANPURACKAL, PALISSERY.

4. SAINABA, KOZHINJILPARAMBIL,
   PALISSERY.

5. NITHYA, KARUVANPURACKAL,
   PALISSERY.

6. NIZHA, KARUVANPURACKAL, PALISSERY.

7. RAMEEZ, KOZHINJIL PARAMBIL,
   PALISSERY.

8. SAHIRA, KOZHINJIL PARAMBIL, PALISSERY.

9. UNNIKRISHNAN.N.C.,
   KOZHINJIL PARAMBIL, PALISSERY.

10. CHANDRIKA, W/O.RAMAN,
    KIZHAKKETHIL, THRITHALA.

11. SOBHA, W/O.MOHANAN,
PADINJARUKARA, THRITHALA.

12. LEELA, W/O.AYYAPPAN,
CHERUPALAPADY, PALLIPADAM, THRITHALA.\

13. THE DISTRICT COLLECTOR, PALAKKAD.

14. THE ASSISTANT EXCISE COMMISSIONER, PALAKKAD.

(ADDL.R13 & R14 ARE IMPLEADED AS PER ORDER DATED 11/5/2007 IN I.A.NO.6215/07)

BY ADV. SRI.T.A.RAJAGOPALAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.14357/2007

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE NOTICE NO.P5-6100/2006 DATED 2/4/2007 ISSUED BY THE ASSISTANT COMMISSIONER OF EXCISE, PALAKKAD.

EXT.P2 TRUE COPY OF THE RENT DEED DATED 4/4/2007 BETWEEN THE IST PETITIONER AND THE LAND OWNER.

EXT.P3 TRUE COPY OF THE RENT DEED DATED 21/4/2007.

EXT.P4 TRUE COPY OF THE COMPLAINT SUBMITTED BY THE IST PETITIONER BEFORE THE 2ND RESPONDENT ON 28/4/07.

EXT.P5 TRUE COPY OF THE RECEIPT NO.69/PTN/M3/07 DATED 28/4/07.

EXT.P6 TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 2ND PETITIONER TO THE 2ND RESPONDENT ON 28/4/2007.

EXT.P7 TRUE COPY OF RECEIPT NO.68/M3/07 DTD. 28/4/07.

EXT.P8 TRUE COPY OF THE RELEVANT PAGES OF THE LICENCE OF T.S.NO.46/2003-04, PALLIPADAM.

EXT.P9 TRUE COPY OF THE RELEVANT PAGES OF THE LICENCE NO.543/2007-08 DATED 16/5/2007.

EXT.P10 TRUE COPY OF THE TODDY TRANSPORT PERMIT DATED 19/5/2007 FOR THE TRANSPORTATION OF TODDY.

RESPONDENTS' EXTS:

EXT.R10A TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE SUB INSPECTOR OF POLICE, CHALLISSERY POLICE STATION, DATED NIL.

EXT.R10B TRUE COPY OF THE MASS PETITION SIGNED BY 106 PERSONS OF THE LOCALITY DATED 20/2/2007.

EXT.R10C TRUE COPY OF THE TITLE DEED DAZTED 31/3/1992.

EXT.R10D TRUE PHOTOCOPY OF THE NEWSPAPER REPORT APPEARED IN THE MALAYALA MANORAMA DAILY DATED 26/5/2007.

True Copy

P.S. TO JUDGE.

P.R. RAMAN & K. HEMA, JJ.

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W.P.(C) NO. 14357 OF 2007

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DATED THIS, THE 26TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

There is an interim order already passed by this Court. However, if there is any dispute regarding the right to use the pathway, it is open to the petitioners to approach the civil court and seek necessary relief in that regard. Since the public have raised a complaint before the District Collector as per Ext.R10(b), that authority may consider and dispose of the same in accordance with law.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-